IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Con.Case(C).No. 958 of 2007(S)

ORDER IN WPC.1260/2007 Dated 23/02/2007
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PETITIONER

ALL KERALA PLASTIC DEALERS ASSOCIATION,
MERCHANTS UNION BUILDING, MERCHANTS UNION ROAD,
ERNAKULAM, REP. BY ITS PRESIDENT M.S.M.MUSTAFA,
S/O.LATE OSMAN, AGED 46 YEARS.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN

RESPONDENTS:

SHRI.A.SHAJAHAN, (AGE AND FATHER'S NAME
NOT KNOWN TO THE PETITIONER),
DIRECTOR OF URBAN AFFAIRS,
TRIVANDRUM.

BY GOVERNMENT PLEADER SMT. T.B. REMANI

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGEMENT

Affidavit dated 01/10/2007 filed by the respondent is on record. Unconditional apology tendered thereby is accepted and the proceedings against the respondent are dropped.

The contempt case is closed.

04/10/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

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THOTTATHIL B. RADHAKRISHNAN, J.

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Cont.Case(C).No.958 of 2007-S

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Dated this the 13th day of September, 2007.

O R D E R

The Director of Urban Affairs issued Annexure-D letter to the Secretaries of all local authorities on 29-3-2007 directing that it shall be ensured that plastic below 50 microns' thickness is not permitted to be used in shops and that appropriate action is taken to enforce that directive. Evidently, that is contrary to the clear directions in Annexure-C order dated 8-2-2007 staying the earlier notification of the Pollution Control Board to the extent it fixes the minimum thickness of plastic carry bags and containers, including plastic cups, bottles and other materials above 30 microns. In terms of that order of this Court, as of now, plastic with thickness above 30 microns could be used. The instructions issued by the Director on

29-3-2007, after the aforesaid order of this Court, is unsustainable and contrary to Annexure-C order of this Court.

2. In this application filed under the Contempt of Courts Act, the learned Government Pleader submits, on instructions from the Director of Urban Affairs, that the said officer was unaware of Annexure-C order of this Court, while he issued Annexure-D letter and that instructions have been issued to all the Secretaries of the different local bodies not to enforce the stipulation in the Director's communication dated 29-3-2007.

3. The petitioner has, however, placed on record a notice dated 25-8-2007 issued by the Health Inspector of Kaloor Circle of Cochin Corporation in which there is a blanket ban of use of plastic in the form of carry bags, covers etc. The Health Inspector proceeds on the basis that there is a total ban of all forms of plastic carry bags, whatever be its thickness. That is clearly contrary to the directions of this Court in Annexure-C

order and is worse than the directions issued by the Director.

The Director has to, obviously, therefore purge himself of the situation by withdrawing the directions issued by Annexure-D and place an affidavit to that effect before this Court. It is directed that Annexure-D letter of the Director will stand regulated by Annexure-C order of this Court.

Hand over to counsel for petitioner and Govt. Pleader.

Post on 28-9-2007.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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